

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2010-0713-04	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
RECEIVED FOR FILING PUBLICATION DATE JUL 13 '10 JUL 23 '10 Office of Administrative Law		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Sacramento-San Joaquin Delta Conservancy			AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Conflict of Interest Code		TITLE(S) 2	FIRST SECTION AFFECTED 59680	2. REQUESTED PUBLICATION DATE July 23, 2010
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Cindy Messer		TELEPHONE NUMBER (916) 375-2090	FAX NUMBER (Optional) (916) 375-2091
ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)			
SECTION(S) AFFECTED (List all section number(s) individually)		ADOPT	
		AMEND	
TITLE(S)		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above. <input type="checkbox"/> Print Only <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) <input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b)) <input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h)) <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)			
5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))			
<input type="checkbox"/> Effective 30th day after filing with Secretary of State <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6600) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON		TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
		E-MAIL ADDRESS (Optional)	

8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE



TYPED NAME AND TITLE OF SIGNATORY

Notice of Intention to Adopt the Conflict of Interest Code of the Sacramento-San Joaquin Delta Conservancy

The Sacramento-San Joaquin Delta Conservancy ("Conservancy") was created by the Sacramento-San Joaquin Delta Conservancy Act, Public Resources Code section 32300 et seq. Pursuant to Government Code section 87300, the Conservancy must prepare and adopt a conflict of interest code. The Conservancy hereby gives notice that it intends to adopt a conflict of interest code as described herein.

Description of the Code. The proposed code implements the requirements of sections 87300 through 87302 of the Government Code. The code will designate Voting Conservancy Board Members and employees who must disclose certain investments, income sources, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. At its July 7, 2010 meeting, the Conservancy authorized its staff to submit the proposed conflict of interest code to the Office of Administrative Law along with any other materials which the Office of Administrative Law requires to be submitted on or before July 13, 2010.

Filing Comments—Location and Date: Any interested person may submit written comments on the proposed code by submitting them in writing no later than September 6, 2010, by contacting the contact person set forth below. At this time, no public hearing has been scheduled concerning the proposed code. If any interested person or the person's representative requests a public hearing, he or she must do so no later than August 20, 2010, by contacting the Contact Person set forth below.

Availability of Copies of the Code: Copies of the proposed code, the written explanation of the reasons for the proposed code, and all of the information upon which it is based may be obtained from the Conservancy by contacting the contact person listed below. Any inquiries concerning the proposed code shall likewise be directed to the Conservancy care of the contact person listed below.

The Conservancy has determined that its proposal:

- 1) Imposes no mandate on local agencies or school districts.
- 2) Imposes no costs or savings to any state agency.
- 3) Imposes no costs to any local agency or school district in which reimbursement is required under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
- 4) Will not result in any nondiscretionary costs or saving to local agencies.

- 5) Will not result in any costs or savings in federal funding to the state.
- 6) Will not have any potential cost impact on private persons, businesses or small businesses.

In making this proposal, the Conservancy must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Contact Person: All inquiries concerning this proposal and any communications required by this notice should be directed to the Conservancy care of:

Cindy Messer, Interim Executive Officer
Sacramento-San Joaquin Delta Conservancy
3500 Industrial Boulevard
West Sacramento, CA 95691
Telephone: (916) 375-2090
Facsimile: (916) 375-2091
cindy.messer@deltaconservancy.ca.gov

SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure categories shall constitute the Conflict-of-Interest Code of the Sacramento-San Joaquin **Delta Conservancy (Conservancy)**.

Individuals holding designated positions shall file their statements of economic interests with the **Conservancy**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) Upon receipt of the statements for the Voting Members of the Board and the Executive Director of the Conservancy, the **Conservancy** shall make and retain copies and forward the originals to the **Fair Political Practices Commission**. All other statements will be retained by the **Conservancy**.

**SACRAMENTO SAN-JOAQUIN DELTA CONSERVANCY
CONFLICT OF INTEREST CODE**

**Appendix A
Designated Positions**

<u>Designated Positions/Category</u>	<u>Disclosure</u>
Executive Officer	1
Assistant Executive Officer (Program Manager II)	1
Program Manager I	1
Board Liaison (Assoc. Gov't Program Analyst)	1
Executive Assistant	1
Voting Member, Delta Conservancy	1
Staff Counsel	1
Consultant	*

*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Director may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope and, thus, is not required to comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY CONFLICT OF INTEREST CODE

Appendix B Disclosure Categories

Category 1

Every person in this category must report: All interests in real property in the State of California, as well as investments, business positions in business entities, and sources of income, including gifts, loans and travel payments.

Category 2

Every person in this category must report: Investments, and business positions in business entities, and sources of income, including gifts, loans and travel payments, from sources of the type that which provide services, supplies, materials, machinery or equipment of the type utilized by the Delta Conservancy.

Category 3

Every person in this category must report: Investments, and business positions in business entities, and sources of income, including gifts, loans, and travel payments, from sources which:

- Provide assessments and investigations of the physical condition of real property. Such sources include but are not limited to sources that engage in the preparation of environmental impact reports, real property appraisals, and land surveys/studies.
- Engage in real estate sales transactions (e.g., realtors, title companies).

Category 4

Every person in this category must report: All interests in real property in the State of California.

Category 5

Every person in this category must report: Investments, business positions, and income, including gifts, loans and travel payments, if the source is of the type to receive grants, loans or scholarships, from or through the Delta Conservancy.

Initial Statement of Reasons for the Proposed Adoption of Conflict of Interest Code for the Sacramento-San Joaquin Delta Conservancy

The Sacramento-San Joaquin Delta Conservancy ("Conservancy") was created by the Sacramento-San Joaquin Delta Conservancy Act, Public Resources Code section 32300 et seq. as an independent agency of the state. The Conservancy consists of eleven voting members and seven employees necessary to carry out Conservancy functions. The Conservancy's primary duty is to implement ecosystem restoration and support economic sustainability in the Sacramento-San Joaquin Delta.

Public Problem, Administrative Requirement, or Other Condition or Circumstance That the Proposed Adoption of the Regulations Are Intended to Address

The regulations proposed by the Conservancy would adopt the Conflict of Interest Code for voting Conservancy board members and staff in order to comply with the requirements of the Political Reform Act. (Govt. Code, section 81000 et seq., in particular section 87300.)

Specific Purpose and Necessity of the Proposed Adoption of the Regulation

For voting Conservancy board members and staff of the Conservancy, the proposed regulations with FPPC guidance make specific the disclosure requirements to be met in filing statements of economic interests. Government Code section 87302(a) requires each agency's Conflict of Interest Code to contain a specific enumeration of the positions within the agency which involve the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, and for each such enumerated position, the specific types of investments, business positions, interests in real property and sources of income which are reportable. The Conflict of Interest Code contains an Appendix designating officials and employees and listing disclosure categories.

Government Code section 87302 sets forth the required provisions of a Conflict of Interest Code. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs., sections 18730) which contains the terms of a standard Conflict of Interest Code, and which can be incorporated by reference in an agency's Code. The Conservancy's Code incorporates by reference the terms of 2 California Code of Regulations Section 18730 and any adoption to it duly adopted by the Fair Political Practices Commission.

The proposed adoption to the Code designate the following positions because they involve the making or participation in the making of decisions which may foreseeably have a material effect on a financial interest. Following each position is the disclosure category which reflects the types of financial interests that are reportable because they could foreseeably be materially affected by a decision that the employee in that designated position may make or may participate in making.

Appendix A

Designated Positions

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Voting Member, Delta Conservancy	1
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*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that is limited in scope and, thus, is not required to comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict-of-Interest Code. (Gov. Code Section 81008.)

Appendix B

Disclosure Categories

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Category 3

Every person in this category must report: Investments, and business positions in business entities, and sources of income, including gifts, loans, and travel payments, from sources which:

- Provide assessments and investigations of the physical condition of real property. Such sources include but are not limited to sources that engage in the preparation of environmental impact reports, real property appraisals, and land surveys/studies.
- Engage in real estate sales transactions (e.g., realtors, title companies).

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Every person in this category must report: All interests in real property in the State of California.

Category 5

Every person in this category must report: Investments, business positions, and income, including gifts, loans and travel payments, if the source is of the type to receive grants, loans or scholarships, from or through the Delta Conservancy.

Technical, Theoretical, or Empirical Studies, reports, or Similar Documents

The Conservancy did not rely on technical, theoretical, or empirical studies, reports, or similar documents in proposing this regulation.

The proposed regulation adoptions do not mandate the use of specific technologies or equipment.

Alternatives to the Regulation/Small Business Impact

The Conservancy did not identify any alternatives to the regulation adoption that would lessen any adverse impact on small business. The Conservancy has determined that the proposed adoption will not have a significant adverse economic impact on business.

Duplication or Conflicts with Federal Regulations

The proposed regulation adoptions do not unnecessarily duplicate or conflict with federal regulations.

NOTE:	Authority cited:	Sections 32300 et seq. Water Code; Sections 87300 and 87304 Government Code
	Reference:	Section 87300 et seq., Government Code